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USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7-13-2023
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July 12, 2023

VIA ECF FILING

The Honorable Lewis A. Kaplan
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007

RE: *Residential and Condominium Board of Managers of the Millennium Point Condominium, Appellants v. Battery Park City Authority, Appellee (Civil Action No. 23-cv-4104-LAK); (In re Urban Commons 2 West LLC, et al., Debtors¹ (Case No. 22-11509 (PB)) (Jointly Administered) – Appellants’ Request for Extended Briefing Schedule*

Dear Judge Kaplan:

Our firm, together with Hiller, P.C., is co-counsel to the Residential Board of Managers of the Millennium Point Condominium (“Residential Board”) and the Condominium Board of Managers of the Millennium Point Condominium (“Condominium Board” and together with the Residential Board, the “Appellants”), the appellants in the above-referenced appeal of the *Order Denying the Motion of the Residential Board, Commercial Board and Condominium Board of Managers of the Millennium Point Condominium Seeking Judicial Review by the Bankruptcy Court of the Appraisal Determining the Fair Market Value of the Demised Premises* (“Appraisal Order”), entered on April 24, 2023 by the United States Bankruptcy Court for the Southern District of New York (“Bankruptcy Court”) as ECF No. 232 in the Chapter 11 proceedings of Urban Commons 2 West LLC, *et al.* (collectively, the “Debtors”).

We write to request an extension of the briefing schedule in the above-referenced appeal (the “Appeal”). This is the Appellants’ first request for an extension of any kind in this Appeal. The Appellants have proposed the schedule set forth herein to the Appellee prior to submitting this letter to the Court. While Appellee indicated it was amenable to an extension, the parties did not have the opportunity to consent to the schedule prior to the deadline to notify this Court of its request for an extension. The Appellants remain hopeful that the Appellee will consent to the proposed schedule or that the parties could reach a consensual agreement regarding the briefing schedule without the need for intervention from the Court. In addition, the parties are currently

¹ Jointly administered with Urban Commons 2 West II LLC (Tax ID: **-***7987), Urban Commons 2 West III LLC (Tax ID: **-***3270), Urban Commons 2 West IV LLC (Tax ID: **-***8418), and Urban Commons 2 West Operating Tenant LLC (Tax ID: **-***0849).

Letter Requesting Extended Briefing Schedule
 July 12, 2023

and actively participating in mediation related to the Debtors' bankruptcy proceedings. The Appellants remain hopeful that the issues determined by the Appraisal Order and which are the subject of this Appeal can be resolved consensually in whole, or at least in part. The Appellants would like the opportunity to explore a consensual resolution before active briefing in the Appeal commences.

The Appellants propose the following briefing schedule for the Court's Consideration:

	Original Deadline	New Deadline
Appellants' Initial Brief	July 17, 2023	August 31, 2023
Appellee's Responsive Brief		October 3, 2023
Appellants' Reply Brief		November 2, 2023

We look forward to the Court's response to the Appellants' request prior to the initial briefing deadline, which is set to occur on Monday, July 17, 2023.

Respectfully submitted,

/s/ Tracy L. Klestadt

Tracy L. Klestadt

cc: (via e-mail)

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Granted.

SO ORDERED.

/s/ Lewis A. Kaplan

Lewis A. Kaplan, U.S.D.J.

Dated: July 13, 2023